

SENATE BILL 393

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2004 Regular Session
4r2690
CF HB 53

By: ~~Senators Harris and Greenip, Greenip, Hollinger, Conway, Britt, Dyson,~~
Grosfeld, Pinsky, Stone, Colburn, Schrader, and Brochin

Introduced and read first time: February 4, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 30, 2004

CHAPTER _____

1 AN ACT concerning

2 **Election Law - Voting Systems - Voter-Verified Paper Records**

3 FOR the purpose of requiring that certain voting systems produce a paper record of a
4 voter's ballot choices and provide the voter with an opportunity to inspect the
5 paper record; requiring that the paper records be preserved at the polling place
6 in a certain manner so that the paper records may later be used in a manual
7 recount if necessary; requiring the State Board of Elections to conduct a
8 comparison of certain ballots in a random sampling of election districts;
9 providing for the application of this Act; requiring the Governor to allocate
10 certain resources to implement the requirements of this Act; and generally
11 relating to voting systems.

12 BY repealing and reenacting, without amendments,
13 Article - Election Law
14 Section 1-101(s)
15 Annotated Code of Maryland
16 (2003 Volume and 2003 Supplement)

17 BY adding to
18 Article - Election Law
19 Section 9-107
20 Annotated Code of Maryland
21 (2003 Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Election Law**

2 1-101.

3 (s) (1) "Document ballot" means a ballot used with a voting system in which
4 the voter individually is issued a ballot on which to indicate one or more votes.

5 (2) "Document ballot" includes:

6 (i) a machine-read ballot, such as an optically scanned ballot or
7 punchcard ballot; and

8 (ii) a hand-counted paper ballot.

9 9-107.

10 (A) (1) ANY VOTING SYSTEM THAT DOES NOT USE A DOCUMENT BALLOT
11 SHALL PRODUCE A PAPER RECORD THAT SHALL BE MADE AVAILABLE FOR
12 INSPECTION AND VERIFICATION BY THE VOTER AT THE TIME THE VOTE IS CAST.13 (2) THE VOTER-VERIFIED PAPER RECORD SHALL BE PRESERVED
14 WITHIN THE POLLING PLACE IN THE MANNER THAT ALL OTHER DOCUMENT
15 BALLOTS ARE PRESERVED WITHIN THE POLLING PLACE ON ELECTION DAY FOR
16 LATER USE IN ANY MANUAL RECOUNT.17 (B) A VOTER WHO RECEIVES A VOTER-VERIFIED PAPER RECORD IN
18 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY REVIEW THE
19 PERMANENT PAPER RECORD AND CORRECT ANY ERROR MADE BY THE SYSTEM
20 BEFORE THE PAPER RECORD IS PRESERVED FOR USE IN ANY MANUAL RECOUNT.21 (C) THE VOTER-VERIFIED PAPER RECORD PRODUCED UNDER SUBSECTION (A)
22 OF THIS SECTION SHALL BE AVAILABLE AS AN OFFICIAL RECORD AND SHALL BE THE
23 OFFICIAL RECORD USED FOR ANY RECOUNT CONDUCTED WITH RESPECT TO ANY
24 ELECTION WHEN THE SYSTEM IS USED.25 (D) IN A RANDOM SAMPLING OF 2% OF THE TOTAL NUMBER OF PRECINCTS
26 WITHIN EACH LEGISLATIVE DISTRICT THAT PRODUCE VOTER-VERIFIED PAPER
27 RECORDS, THE STATE BOARD SHALL COMPARE THE VOTER-VERIFIED PAPER
28 RECORDS AGAINST THE ELECTRONICALLY RECORDED RESULTS IN THOSE DISTRICTS
29 TO VERIFY THAT THE ELECTRONICALLY RECORDED RESULTS EQUAL THE
30 VOTER-VERIFIED PAPER RECORDS.31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
32 each election occurring on or after November 1, 2004, that is required to be conducted
33 in accordance with the Election Law Article.34 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall
35 allocate the resources required to implement the requirements of this Act, including
36 any gift received by the State for the purposes of this Act under § 2-201 of the State
37 Finance and Procurement Article, or, except for federal funds received by the State to

1 implement the requirements of the Help America Vote Act 2002, any federal or other
2 special funds or grant received by the State in accordance with federal and State law
3 for the purposes of this Act.

4 SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect ~~October~~ June 1, 2004.